12-10-02



PTO/SB/26 (10-00) Approved for use 10/31/2002, OMB 0651-0031

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0469/134

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT**

In re Application of: Lewis M. Nashner

Application No.:

Filed: December 9. 2002

For: Apparatus and Method for Movement Corrdination Analysis

DEC 1 6 2002 TECHNOLOGY CENTER R3700

RECEIVED

The owner*, NeuroCom International, Inc., of 100 _____percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 4,738,269 ____. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check	either	box	1	or	2	below,	if	appropriate.

	For submissions	on behalf	of an	organization	(e.g.,	corporation,	partnership,	university,	government	agency,	etc.),	the
1. └──	For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, e undersigned is empowered to act on behalf of the organization.											

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 X The undersigned is an attorney or agent of record.

Elizabeth P. Morano Typed or printed name

Q1_FC:2814

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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6. X

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UTILITY PATENT APPLICATION TRANSMITTAL

) inside this box -

0469/134 Attorney Docket No. Lewis M. Nashner First Inventor Method for Movement Coordination Analysi

435

December 9, 2002

(Only for new nonprovisional applications under 37 CFR 1.53(b))

EV 153310483 US Express Mail Label No. Assistant Commissioner for Patents **APPLICATION ELEMENTS** ADDRESS TO: **Box Patent Application** See MPEP chapter 600 concerning utility patent application contents. Washington, DC 20231 Fee Transmittal Form (e.g., PTO/SB/17) CD-ROM or CD-R in duplicate, large table or (Submit an original and a duplicate for fee processing)
Applicant claims small entity status. Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission See 37 CFR 1.27. (if applicable, all necessary) Specification **ITotal Pages** Computer Readable Form (CRF) - Descriptive title of the invention DEC 1 6 200. Specification Sequence Listing on: - Cross Reference to Related Applications CD-ROM or CD-R (2 copies); or - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, TECHNOLOGY CENTER or a computer program listing appendix - Background of the Invention Statements verifying identity of above copies - Brief Summary of the Invention ACCOMPANYING APPLICATION PARTS - Brief Description of the Drawings (if filed) Detailed Description 9. Assignment Papers (cover sheet & document(s)) - Claim(s) 37 CFR 3.73(b) Statement Power of - Abstract of the Disclosure 10. (when there is an assignee) Attorney English Translation Document (if applicable) 11. Drawing(s) (35 U.S. C. 113) [Total Sheets Copies of IDS Information Disclosure 12 Oath or Declaration [Total Pages Citations Statement (IDS)/PTO-1449 Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed) **Preliminary Amendment** 13. Return Receipt Postcard (MPEP 503) (Should be specifically itemized) Certified Copy of Priority Document(s) (if foreign priority is claimed) **DELETION OF INVENTOR(S)** Signed statement attached deleting inventor(s) Nonpublication Request under 35 U.S.C. 122 named in the prior application, see 37 CFR 16. 1.63(d)(2) and 1.33(b). (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. See Attachment Application Data Sheet. See 37 CFR 1.76 17. X Other 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1. 76: 09 ,145,255 Divisional Group Art Unit: 3736 Examiner Max Hindenburg For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference, incorporation can only be relied upon when a portion inadvertently omitted from the submitted application parts. **開**E ADDRESS 19. 桝柳 Customer Number or Bar Code Label PATENT TRADEMARK OFFICE Zip Code State Fax Telephone Registration No. (Attorney/Agent) 42,904 Name (Print/Type) Elizabeth P. Morano Date

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

X Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(4) <i>31</i> 0.00	(\$)	370	.00
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Complete if Known					
Application Number					
Filing Date	December 9, 2002				
First Named Inventor	Lewis M. Nashner				
Examiner Name					
Art Unit					
Attornov Docket No.	0469/134				

(ψ) 370.00		Attom	ey Do	CKEL	# ## E F-F-F-E-F F			
METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)							
X Check Credit card Money Other None	3. ADDITIONAL FEES DEC 1 6 2002							
X Deposit Account:		Entity						
Deposit	Fee Code		Fee Code	Fee (\$)	Fee Description CENTER	Feé [,] Paid		
Account Number 19–4972	1051	130	2051	65	Surcharge - late filing fee or oath			
Deposit Account Bromberg & Sunstein LLP	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
Name The Commissioner is authorized to: (check all that apply)	1053	130	1053	130	Non-English specification			
Charge fee(s) indicated below X Credit any overpayments	1812	2,520	1812	2,520	For filing a request for ex parte reexamination			
Charge any additional fee(s) during the pendency of this application	1804	920°	1804	920*	Requesting publication of SIR prior to Examiner action			
Charge fee(s) indicated below, except for the filing fee	1805	1,840*	1805	1,840*	Requesting publication of SIR after			
to the above-identified deposit account.					Examiner action			
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month			
1. BASIC FILING FEE	1252	400	2252		Extension for reply within second month			
Large Entity Small Entity Fee Fee Fee Fee Pescription Fee Paid	1253	920	2253		Extension for reply within third month			
Fee Fee Fee Fee Paid Code (\$) Code (\$) Fee Description Fee Paid	1254	1,440	2254	720	Extension for reply within fourth month			
1001 740 2001 370 Utility filing fee	1255	1,960	2255	980	Extension for reply within fifth month			
1002 330 2002 165 Design filing fee	1401	320	2401	160	Notice of Appeal			
1003 510 2003 255 Plant filing fee	1402	320	2402	160	Filing brief in support of an appeal			
1004 740 2004 370 Reissue filing fee 370.00	1403	280	2403	140	Request for oral hearing			
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding			
SUBTOTAL (1) (\$) 370.00	1452	110	2452	55	Petition to revive - unavoidable			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453	1,280	2453	640	Petition to revive - unintentional			
Fee from	1501	1,280	2501	640	Utility issue fee (or reissue)			
Extra Claims below Fee Paid	1502	460	2502	230	Design issue fee			
Total Claims 5 -20** = 0 X = 0	1503	620	2503	310	Plant,issue fee			
Claims Multiple Dependent -6** All X X X X X X X X X	1460	130	1460	130	Petitions to the Commissioner			
Widniple Dependent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)			
Large Entity Small Entity Fee Fee Fee Fee Fee Description	1806	180	1806	180	Submission of Information Disclosure Stmt			
Code (\$) Code (\$)	8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1202 18 2202 9 Claims in excess of 20 1201 84 2201 42 Independent claims in excess of 3	1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))			
1203 280 2203 140 Multiple dependent claim, if not paid	1810	740	2810	370	For each additional invention to be			
1204 84 2204 42 ** Reissue independent claims over original patent	1801	740	2801	370	examined (37 CFR 1.129(b)) Request for Continued Examination (RCE)			
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	900	1802	900	Request for expedited examination of a design application			
SUBTOTAL (2) (\$) 0.00	Other fee (specify)							
**or number previously paid, if greater; For Reissues, see above	*Red	uced by	/ Basic	Filing f	Fee Paid SUBTOTAL (3) (\$)			

SUBMITTED BY

Name (Print/Type)

Elizabeth P. Morano

Registration No. (Attorney/Agent)

August Date

Complete (if applicable)

Telephone 617-443-9292

Date

December 9, 2002

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.